

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

DOLORES CEPEDA,  
Plaintiff,

v.

C.A. No. 19-cv-00005-WES-PAS

BANK OF AMERICA, N.A.,  
FAY SERVICING, LLC, and  
WILMINGTON TRUST NATIONAL  
ASSOCIATION SOLELY AS TRUSTEE FOR  
THE MFRA TRUST 2014-2,  
Defendants.

**FAY SERVICING, LLC'S AND WILMINGTON TRUST NATIONAL ASSOCIATION  
SOLELY AS TRUSTEE FOR THE MFRA TRUST 2014-2'S  
ANSWER TO THE COMPLAINT**

Defendants Fay Servicing, LLC ("Fay") and Wilmington Trust National Association Solely As Trustee For The MFRA Trust 2014-2 ("Wilmington") (together, "Defendants") respond as follows to the correspondingly-numbered paragraphs of Plaintiff Dolores Cepeda's ("Plaintiff") Complaint.

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of this paragraph. Defendants deny that Plaintiff is the owner of the property located at 177 Dexter Street, Providence Rhode Island ("Property").

2. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Defendants state further that the referenced mortgage is a legal document that speak for itself, and deny any and all allegations inconsistent therewith.

3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

4. Defendants admit that Wilmington owns the mortgage and that Fay services the mortgage. Defendants state further that the referenced mortgage is a legal document that speaks for itself, and deny any and all allegations inconsistent therewith.

5. Defendants admit that Wilmington has a business address at 350 Park Avenue, New York, NY 10022.

6. Defendants admit that Fay is a limited liability company and is the servicer of the mortgage. Defendants deny the remaining allegations in this paragraph.

7. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

8. Denied.

9. Denied.

10. The allegations of paragraph 10 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

11. Defendants state that the referenced mortgage is a legal document that speaks for itself, and deny any and all allegations inconsistent therewith.

12. The allegations of paragraph 12 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

13. Denied.

14. Denied.

15. Defendants state that the referenced letter is a document that speaks for itself, and deny any and all allegations inconsistent therewith.

16. Denied.

17. Defendants state that the referenced mortgage is a legal document that speaks for itself, and deny any and all allegations inconsistent therewith.

18. Denied.

19. Denied.

20. Denied.

21. Defendants state that the referenced mortgage is a legal document that speaks for itself, and deny any and all allegations inconsistent therewith.

22. Defendants state that the referenced letter is a document that speaks for itself, and deny any and all allegations inconsistent therewith.

23. Defendants state that the referenced letter is a document that speaks for itself, and deny any and all allegations inconsistent therewith.

24. Defendants state that the referenced letter is a document that speaks for itself, and deny any and all allegations inconsistent therewith.

25. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

26. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

27. Denied.

28. Defendants state that the referenced letter is a document that speaks for itself, and deny any and all allegations inconsistent therewith.

29. Denied.

30. The allegations of paragraph 30 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

31. The allegations of paragraph 31 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

32. Denied.

33. Defendants deny Plaintiff's allegation that Wilmington only "claimed" to be the mortgagee and only "sought" to mail a notice of sale.

34. The allegations of paragraph 34 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

35. The allegations of paragraph 35 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

36. Denied.

37. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

38. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

39. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

40. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

41. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

42. Denied.

43. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

44. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

45. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

46. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

47. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

48. Defendants deny Plaintiff's allegations that legal counsel's actions were "defective" and that it failed to comply with applicable laws.

**COUNT I**  
**Violation of R.I.G.L. § 34-27-3.1**

49. Defendants incorporate paragraphs 1 through 49 of their Answer to the Complaint, as if set forth herein.

50. The allegations of paragraph 50 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

51. Denied.

52. The allegations of paragraph 52 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

**COUNT II**  
**Violation of R.I.G.L. § 34-27.3.2**

58. Defendants incorporate paragraphs 1 through 58 of their Answer to the Complaint, as if set forth herein.

59. The allegations of paragraph 59 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

60. Denied.

61. The allegations of paragraph 61 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

### **COUNT III**

#### **Breach of Contract and of the Covenant of Good Faith and Fair Dealing**

66. [The duplication of “66” is in the Complaint]. Defendants incorporate paragraphs 1 through 66 of their Answer to the Complaint, as if set forth herein.

67. Defendants state that the referenced mortgage is a legal document that speaks for itself, and deny any and all allegations inconsistent therewith.

68. Denied.

69. The allegations of paragraph 69 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

70. Denied.

71. Denied.

72. The allegations of paragraph 72 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

77. Defendants state that the referenced mortgage is a legal document that speaks for itself, and deny any and all allegations inconsistent therewith.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

85. Denied.

86. Denied.

**COUNT IV**  
**Injunctive Relief**

87. Defendants incorporate paragraphs 1 through 86 of their Answer to the Complaint, as if set forth herein.

88. Denied.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

94. Denied.

95. Denied.

**COUNT V**

**Violation of the Truth in Lending Act, 12 C.F.R. 1026.41, 15 U.S.C. 1638**

96. Defendants incorporate paragraphs 1 through 95 of their Answer to the Complaint, as if set forth herein.

97. The allegations of paragraph 97 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

98. The allegations of paragraph 98 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

99. The allegations of paragraph 99 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

100. Defendants deny Plaintiff's allegation that Wilmington only "claims" to be the mortgagee.

101. Defendants deny Plaintiff's allegation that Fay only "claims" to be the servicer of the mortgagee.

102. The allegations of paragraph 102 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

102. [The duplication of "102" is in the Complaint]. Denied.

103. The allegations of paragraph 103 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

104. Denied.

105. Denied.

106. Denied.



107. Denied.

108. Denied.

109. Denied.

110. Denied.

**COUNT VI**

**Violation of Fair Debt Collection Practice Act, 15 U.S.C. 1692**

111. Defendants incorporate paragraphs 1 through 110 of their Answer to the Complaint, as if set forth herein.

112. Denied.

113. Denied.

114. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

115. Denied.

116. Denied.

117. Denied.

118. Denied.

119. Denied.

120. Denied.

121. Denied.

122. Denied.

123. Denied.

124. Denied.

125. Denied.

126. The allegations of paragraph 126 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

127. The allegations of paragraph 127 contain legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

128. Denied.

129. Denied.

130. Denied.

131. Denied.

132. Denied.

133. Denied.

134. Denied.

**COUNT VII**  
**Violations of Regulation X and Regulation Z (Bank of America)**

135. Defendants incorporate paragraphs 1 through 134 of their Answer to the Complaint, as if set forth herein.

136. The allegations in Paragraph 136 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

137. The allegations in Paragraph 137 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

138. The allegations in Paragraph 138 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

139. The allegations in Paragraph 139 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

140. The allegations in Paragraph 140 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

141. The allegations in Paragraph 141 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

142. The allegations in Paragraph 142 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

143. The allegations in Paragraph 143 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

144. The allegations in Paragraph 144 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

145. The allegations in Paragraph 145 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

146. The allegations in Paragraph 146 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

147. The allegations in Paragraph 147 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

148. The allegations in Paragraph 148 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

149. The allegations in Paragraph 149 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

150. The allegations in Paragraph 150 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

151. The allegations in Paragraph 151 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

152. The allegations in Paragraph 152 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

153. The allegations in Paragraph 153 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

154. The allegations in Paragraph 154 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

155. The allegations in Paragraph 155 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

156. The allegations in Paragraph 156 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

157. The allegations in Paragraph 157 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

158. The allegations in Paragraph 158 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

159. The allegations in Paragraph 159 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

160. The allegations in Paragraph 160 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

161. The allegations in Paragraph 161 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

162. The allegations in Paragraph 162 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

163. The allegations in Paragraph 163 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

164. The allegations in Paragraph 164 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

165. The allegations in Paragraph 165 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

166. The allegations in Paragraph 166 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

167. The allegations in Paragraph 167 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

168. The allegations in Paragraph 168 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

169. The allegations in Paragraph 169 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

170. The allegations in Paragraph 170 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

171. The allegations in Paragraph 171 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

172. The allegations in Paragraph 172 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

173. The allegations in Paragraph 173 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

174. The allegations in Paragraph 174 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

175. The allegations in Paragraph 175 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

176. The allegations in Paragraph 176 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

177. The allegations in Paragraph 177 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

178. The allegations in Paragraph 178 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

179. The allegations in Paragraph 179 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

180. The allegations in Paragraph 180 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

181. The allegations in Paragraph 181 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

182. The allegations in Paragraph 182 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

183. The allegations in Paragraph 183 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

184. The allegations in Paragraph 184 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

185. The allegations in Paragraph 185 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

186. The allegations in Paragraph 186 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.



187. The allegations in Paragraph 187 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

188. The allegations in Paragraph 188 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

189. The allegations in Paragraph 189 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

190. The allegations in Paragraph 190 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

191. The allegations in Paragraph 191 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

192. The allegations in Paragraph 192 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

193. The allegations in Paragraph 193 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

194. The allegations in Paragraph 194 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

195. The allegations in Paragraph 195 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

196. The allegations in Paragraph 196 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

197. The allegations in Paragraph 197 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

198. The allegations in Paragraph 198 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

199. The allegations in Paragraph 199 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

200. The allegations in Paragraph 200 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

201. The allegations in Paragraph 201 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

202. The allegations in Paragraph 202 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

203. The allegations in Paragraph 203 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

204. The allegations in Paragraph 204 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

205. The allegations in Paragraph 205 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

206. The allegations in Paragraph 206 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

207. The allegations in Paragraph 207 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

208. The allegations in Paragraph 208 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

209. The allegations in Paragraph 209 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

210. The allegations in Paragraph 210 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

211. The allegations in Paragraph 211 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

212. The allegations in Paragraph 212 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

213. The allegations in Paragraph 213 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

214. The allegations in Paragraph 214 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

215. The allegations in Paragraph 215 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

216. The allegations in Paragraph 216 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

217. The allegations in Paragraph 217 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

218. The allegations in Paragraph 218 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

219. The allegations in Paragraph 219 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

220. The allegations in Paragraph 220 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

221. The allegations in Paragraph 221 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

222. The allegations in Paragraph 222 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

223. The allegations in Paragraph 223 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

224. The allegations in Paragraph 224 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

225. The allegations in Paragraph 225 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

226. The allegations in Paragraph 226 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

227. The allegations in Paragraph 227 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

228. The allegations in Paragraph 228 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

229. The allegations in Paragraph 229 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

230. The allegations in Paragraph 230 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

231. The allegations in Paragraph 231 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

232. The allegations in Paragraph 232 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

233. The allegations in Paragraph 233 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

234. The allegations in Paragraph 234 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

235. The allegations in Paragraph 235 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

236. The allegations in Paragraph 236 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

237. The allegations in Paragraph 237 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

238. The allegations in Paragraph 238 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

239. The allegations in Paragraph 239 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

240. The allegations in Paragraph 240 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

241. The allegations in Paragraph 241 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

242. The allegations in Paragraph 242 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

243. The allegations in Paragraph 243 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

244. The allegations in Paragraph 244 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

245. The allegations in Paragraph 245 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

246. The allegations in Paragraph 246 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

247. The allegations in Paragraph 247 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

248. The allegations in Paragraph 248 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

249. The allegations in Paragraph 249 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

250. The allegations in Paragraph 250 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.



251. The allegations in Paragraph 251 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

252. The allegations in Paragraph 252 are directed against a party other than Wilmington and Fay, and therefore, no response is required. To the extent that a response is required, the allegations are denied.

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#### **AFFIRMATIVE DEFENSES**

##### *FIRST AFFIRMATIVE DEFENSE*

Plaintiff's claims fail to state a claim upon which relief may be granted.

##### *SECOND AFFIRMATIVE DEFENSE*

Plaintiff's Complaint fails to comply with Fed. R. Civ. P. 8.

##### *THIRD AFFIRMATIVE DEFENSE*

Plaintiff's claims fail because Defendants at all times acted reasonably, in good faith, and in accordance with their legal duties, rights, and obligations.

##### *FOURTH AFFIRMATIVE DEFENSE*

Plaintiff is barred from recovery in this action for failure to demonstrate any damages.

##### *FIFTH AFFIRMATIVE DEFENSE*

The Complaint is barred, in whole or in part, by the doctrine of waiver.

##### *SIXTH AFFIRMATIVE DEFENSE*

This action is barred in whole or in part for Plaintiff's failure to comply with the conditions precedent to suit and/or failure to exhaust administrative remedies.

*SEVENTH AFFIRMATIVE DEFENSE*

Plaintiff's claims are barred in whole or in part by the applicable statutes of limitations.

*EIGHTH AFFIRMATIVE DEFENSE*

Plaintiff failed to mitigate her damages, if any, in whole or in part.

*NINTH AFFIRMATIVE DEFENSE*

Defendants deny any allegations not specifically admitted herein, and specifically deny that they violated any applicable law or contract.

*TENTH AFFIRMATIVE DEFENSE*

Plaintiff's alleged damages are speculative and unsubstantiated, consequently, Plaintiff is barred from recovering any costs or damages she claim to have incurred.

*ELEVENTH AFFIRMATIVE DEFENSE*

The Complaint is barred, in whole or in part, by the doctrine of laches.

*TWELFTH AFFIRMATIVE DEFENSE*

The Complaint is barred, in whole or in part, by the doctrine of judicial estoppel.

*THIRTEENTH AFFIRMATIVE DEFENSE*

Plaintiff is barred from relief because, to the extent she has suffered any harm or damages, such harm or damages was the result of her own conduct.

*FOURTEENTH AFFIRMATIVE DEFENSE*

Plaintiff's claimed damages in the form of emotional distress damages and attorneys' fees are not legally recoverable herein.

*FIFTEENTH AFFIRMATIVE DEFENSE*

Plaintiff has no standing to challenge duly executed, notarized, and recorded documents relating to her mortgage loan.

*SIXTEENTH AFFIRMATIVE DEFENSE*

Plaintiff's claims are barred by the doctrine of in pari delicto.

*SEVENTEENTH AFFIRMATIVE DEFENSE*

To the extent Plaintiff recovers any damages herein, Defendants are entitled to a set-off in the amount owing on the mortgage loan.

*EIGHTEENTH AFFIRMATIVE DEFENSE*

To the extent Plaintiff seeks injunctive or declaratory relief, Defendants are not the correct a party against which that relief may be sought.

*NINETEENTH AFFIRMATIVE DEFENSE*

Plaintiff's claims are barred or limited pursuant to the doctrines of res judicata, claim preclusion, issue preclusion, and/or collateral estoppel.

*TWENTIEH AFFIRMATIVE DEFENSE*

Defendants reserve the right to assert additional defenses.

**PRAYER FOR RELIEF**

Defendants respectfully request that this Court enter judgment in their favor, dismissing the claims against them, with prejudice; and award Defendants their attorneys' fees, costs and other such relief that this Court deems just.

**JURY TRIAL DEMAND**

Defendants request a trial by jury as to all claims asserted against it that are so triable.

Respectfully submitted,

FAY SERVICING, LLC and  
WILMINGTON TRUST NATIONAL  
ASSOCIATION SOLELY AS TRUSTEE  
FOR THE MFRA TRUST 2014-2

By its attorneys,

/s/ Patrick T. Uiterwyk

Patrick T. Uiterwyk, Bar No. 7461  
Nelson Mullins Riley & Scarborough LLP  
One Post Office Square, 30<sup>th</sup> Floor  
Boston, Massachusetts 02109  
Tel: 617-217-4643  
Fax: 617-217-4710  
Email: patrick.uiteryk@nelsonmullins.com

Date: January 24, 2019

**CERTIFICATE OF SERVICE**

I, Patrick T. Uiterwyk, certify that on this 24th day of January, 2019, I filed the foregoing document through the ECF system, thereby serving it electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on this date. The foregoing document is available for viewing and downloading from the ECF system.

/s/ Patrick T. Uiterwyk

Patrick T. Uiterwyk